

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
Case No. 7:09-CV-129-D

ANNIE McDUFFIE, JOHN McDUFFIE, )  
and KIMBERLY McDUFFIE, )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
TKB HOLDING GROUP, LLC, )  
FIRST INVESTORS LLC OF N.C., )  
DAVID ROBERTS, ANDRE T. ROYAL, )  
UNITED STATES OF AMERICA, and )  
THE HONORABLE BRENDA TUCKER, )  
in her capacity as Clerk of Superior Court )  
of New Hanover County, )  
 )  
Defendants. )

ORDER EXTENDING PRELIMINARY INJUNCTION

On July 6, 2010, Plaintiffs filed a motion to extend the preliminary injunction entered by this Court from July 9, 2010 through October 7, 2010. [D.E. 58] The United States of America and Brenda Tucker, in her capacity as Clerk of Superior Court of New Hanover County, consent to this extension of the preliminary Injunction.


The court has considered the record in accordance with Rule 65 of the Federal Rules of Civil Procedure. The court finds that plaintiffs have shown the need to extend the preliminary injunction under the governing standard. See Winter v. Natural Res. Def. Council, Inc., 129 S. Ct. 365, 374-76 (2008); Real Truth About Obama, Inc. v. FEC, 575 F.3d 342, 346-48 (4<sup>th</sup> Cir. 2009). Specifically, the court finds that plaintiffs are likely to succeed on the merits, that plaintiffs will be irreparably harmed if the preliminary injunction is not extended an additional 90

days, that the balance of the equities tips in favor of plaintiffs, and that continuing the preliminary injunction for 90 days is in the public interest.

Further, the court has considered the amount of security required from plaintiffs to pay the costs and damages sustained by any party found to have been wrongfully enjoined or restrained. The court finds that the \$200 previously ordered by the court is sufficient security and that plaintiffs are not required to provide further security in connection with this 90-day extension of the preliminary injunction.

Accordingly, the court GRANTS plaintiffs' motion to extend the preliminary injunction and enjoins Brenda Tucker, in her official capacity as Clerk of Court, from disbursing any portion of the surplus funds in the amount of \$31,233.25 that defendant TKB Holding Group, LLC seeks in New Hanover County Special Proceeding (File No. 09 SP 339). The court extends the preliminary injunction for an additional 90 days from July 9, 2010 to and including October 7, 2010 or until such time as the underlying claims and the rights of the parties are determined by the Court or the Court otherwise orders relief.

SO ORDERED. This 13 day of July, 2010.

  
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JAMES C. DEVER III  
United States District Judge